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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/541,159	03/31/2000	Tao Kai Lam	(E30-043)-99-202	3415
7590	01/12/2004			EXAMINER CHU, KIM KWOK
GEORGE A. HERBSTER HARBORS POINT 40 BEACH STREET SUITE 303 MANCHESTER, MA 01944			ART UNIT 2653	PAPER NUMBER
			DATE MAILED: 01/12/2004	13

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/541,159	Applicant(s) LAM ET AL.
	Examiner Kim-Kwok CHU	Art Unit 2653
<i>--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<p>THE REPLY FILED 12/31/03 (paper 11) FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.</p>		
PERIOD FOR REPLY [check either a) or b)]		
<p>a) <input checked="" type="checkbox"/> The period for reply expires <u>3</u> months from the mailing date of the final rejection.</p> <p>b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p> <p style="text-align: center;">ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p>		
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>		
<p>1. <input type="checkbox"/> A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.</p>		
<p>2. <input checked="" type="checkbox"/> The proposed amendment(s) will not be entered because:</p>		
<p>(a) <input checked="" type="checkbox"/> they raise new issues that would require further consideration and/or search (see NOTE below);</p>		
<p>(b) <input type="checkbox"/> they raise the issue of new matter (see Note below);</p>		
<p>(c) <input checked="" type="checkbox"/> they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p>		
<p>(d) <input type="checkbox"/> they present additional claims without canceling a corresponding number of finally rejected claims.</p>		
<p>NOTE: <u>See Continuation Sheet</u>.</p>		
<p>3. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____. </p>		
<p>4. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p>		
<p>5. <input checked="" type="checkbox"/> The a)<input type="checkbox"/> affidavit, b)<input type="checkbox"/> exhibit, or c)<input checked="" type="checkbox"/> request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet</u>.</p>		
<p>6. <input type="checkbox"/> The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</p>		
<p>7. <input checked="" type="checkbox"/> For purposes of Appeal, the proposed amendment(s) a)<input checked="" type="checkbox"/> will not be entered or b)<input type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p>		
<p>The status of the claim(s) is (or will be) as follows:</p>		
<p>Claim(s) allowed: <u>23-28</u>.</p>		
<p>Claim(s) objected to: <u>7 and 11-18</u>.</p>		
<p>Claim(s) rejected: <u>1-6, 8-10 and 19-22</u>.</p>		
<p>Claim(s) withdrawn from consideration: _____.</p>		
<p>8. <input checked="" type="checkbox"/> The drawing correction filed on <u>1/2/04 (paper 12)</u> is a)<input checked="" type="checkbox"/> approved or b)<input type="checkbox"/> disapproved by the Examiner.</p>		
<p>9. <input type="checkbox"/> Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.</p>		
<p>10. <input type="checkbox"/> Other: _____.</p>		

Continuation of 2. NOTE:

1. Newly amended feature "of a plurality of contiguous tracks" in claim 1 requires further consideration and/or search; and
2. newly amended feature "of actual seek times" in claim 1 requires further consideration and/or search.

Continuation of 5. does NOT place the application in condition for allowance because:

1. Referring to the rejection of claim 1, Applicants state that they "see nothing in the Satoh patent or the Nakano patent that suggests the division of a physical disk drive into arbitrarily sized segments of a plurality of contiguous tracks and the establishment of an array of actual seek operation....." (page 19 of the Remarks, lines 12-17). Accordingly, the above features "contiguous track" and "actual seek" operation are newly amended features which are not the issues in the Final Office Action.

Examiner: Kim-kwok CHU
AU 2653

CC 11/9/04

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